



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,077	11/26/2003	Abraham Albenda	03399/LH	7872

1933 7590 07/18/2005

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 5TH AVE FL 16  
NEW YORK, NY 10001-7708

EXAMINER
----------

HOGE, GARY CHAPMAN

ART UNIT	PAPER NUMBER
----------	--------------

3611

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/723,077

Applicant(s)

ALBENDA, ABRAHAM

Examiner

Gary C. Hoge

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 6, 17, 19, 21, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16, 18, 20, 22, 23 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/11/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 6, 17, 19, 21, 24 and 25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 17, 2005.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9, 10, 20, 22 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Tobin (5,129,609).

See Fig. 7. Tobin discloses a device comprising a unitary, rigid sheet having five panels. The second panel from the left constitutes a left center panel. The fourth panel from the left constitutes a right center panel indirectly pivotally coupled to the left center panel. The first panel from the left constitutes a left side panel pivotally connected to the left center panel and the fifth panel from the left constitutes a right side panel pivotally connected the right center panel.

Regarding claims 2, 3 and 10, the device disclosed by Tobin is cardboard, which, of course, is composed of planar layers of material connected by parallel ribs to define cavities. Further, Tobin discloses a plurality of vertically-extending separation lines (column 3, lines 56-60).

Regarding claim 4, Fig. 7 shows that corners are rounded. (See lines 26).

Art Unit: 3611

Regarding claims 22 and 26, Tobin discloses a spine panel **12a**.

4. Claims 1-3, 5, 7, 10, 12, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (2,142,547).

See Fig. 4. Anderson discloses a display device comprising a unitary, rigid sheet. The fourth panel from the left constitutes a left center panel. The fifth panel from the left constitutes a right center panel directly pivotally coupled to the left center panel. The third panel from the left constitutes a left side panel pivotally connected to the left center panel and the sixth panel from the left constitutes a right side panel pivotally connected the right center panel.

5. Claims 1, 9, 22 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Keppler (2,102,079).

See Fig. 1. Keppler discloses a display device comprising a unitary, rigid sheet comprising a left center panel **6**, a right center panel **31** indirectly pivotally coupled to the left center panel, a left side panel (between lines **7** and **8**) pivotally connected to the left center panel and a right side panel **34** pivotally connected to the right center panel.

Regarding claim 9, the left side panel (between lines **7** and **8**) has a smaller width than the left center panel **6** and the right side panel **34** has a smaller width than the right center panel **31**.

Regarding claims 22 and 26, Keppler discloses a spine panel **1**.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Knipfer et al. (2,784,779).

Knipfer discloses a device comprising a unitary, rigid sheet comprising a left center panel **12**, a right center panel **14** pivotally coupled to the left center panel, a left side panel **16** pivotally

connected to the left center panel and a right side panel **18** pivotally connected to the right center panel.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (2,142,547) in view of Hunter (5,927,502).

Anderson discloses the invention substantially as claimed, as set forth above. However, Anderson does not disclose making the exposed edges rounded. Hunter teaches that it was known in the art to make the exposed edges of a cardboard blank rounded (column 2, lines 35-38)), in order to improve the safety of the device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the exposed edges of the cardboard blank disclosed by Anderson rounded, as taught by Hunter, in order to improve the safety of the device.

9. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (2,142,547) in view of Schirer (6,155,325).

Regarding claim 8, Anderson discloses the invention substantially as claimed, as set forth above. However, Anderson does not disclose scoring the intact layer. Schirer teaches that it was known in the art to score cardboard in order to make it easier to fold. It would have been obvious to one having ordinary skill in the art at the time the invention was made to score the intact layer

Art Unit: 3611

of the cardboard disclosed by Anderson, as taught by Schirer, in order to make it easier to fold the cardboard.

Regarding claim 13, Anderson discloses the invention substantially as claimed, as set forth above. However, Anderson does not disclose a horizontal fold. Schirer teaches that it was known in the art to provide a display device with a horizontal fold, in order to make the device easier to store. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device disclosed by Anderson with a horizontal fold, as taught by Schirer, in order to make the device easier to store.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (2,142,547) in view of Leigh (3,469,335).

Anderson discloses the invention substantially as claimed, as set forth above. However, the ribs disclosed by Anderson extend horizontally in order to achieve an aesthetic effect. Leigh teaches that it was known in the art to have such ribs extend vertically in order to allow the mounting of an auxiliary sign. It would have been obvious to one having ordinary skill in the art at the time the invention was made to extend the ribs disclosed by Anderson vertically, as taught by Leigh, in order to allow the mounting of an auxiliary sign.

11. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knipfer (2,784,779) in view of Gardner (5,775,949).

Knipfer discloses the invention substantially as claimed, as set forth above. However, the device disclosed by Anderson does not include a means for maintaining the device in a folded condition. Gardner teaches that it was known in the art to provide a Velcro®-type fastener to maintain a folding device in a folded condition. It would have been obvious to one having

Art Unit: 3611

ordinary skill in the art at the time the invention was made to provide the folding device disclosed by Knipfer with a fastener, as taught by Gardner, in order to maintain the device in a folded condition.

12. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobin (5,129,609) in view of Gardner (5,775,949).

Tobin discloses the invention substantially as claimed, as set forth above. However, the device disclosed by Anderson does not include a means for maintaining the device in a folded condition. Gardner teaches that it was known in the art to provide a Velcro®-type fastener to maintain a folding device in a folded condition. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the folding device disclosed by Tobin with a fastener, as taught by Gardner, in order to maintain the device in a folded condition.

13. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (2,142,547) in view of Hanna (4,531,564).

Anderson discloses the invention substantially as claimed, as set forth above. However, Anderson does not disclose attaching a second panel above the first panel. Hanna teaches that it was known in the art to attach a second panel above a first panel, in order to make a taller overall assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use pegs, as taught by Hanna, to mount a second panel to the panel disclosed by Anderson, in order to make a taller overall assembly.

Art Unit: 3611

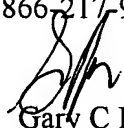
*Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary C Hoge  
Primary Examiner  
Art Unit 3611

gch